

June 18, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20445

Dear Ms. Dortch:

This letter is in reference to MB Docket No. 04-160 and is in support of the National Association of Broadcasters' Petition. Legend Communications of Ohio owns or operates 3 stations in the state of Ohio. We take pride in our stations' commitment to providing the best local radio service possible to our communities. We are therefore quite concerned by the recent broken promises of XM Radio Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") and the advent of their "localized" traffic and weather services. While these services are not yet available in smaller markets like ours, we fear that providing such services to the top twenty-one markets is just the beginning. Smaller local broadcasters like our company are even more vulnerable to such "localized" satellite services. The majority of expense at small stations like ours is the cost of hiring employees to provide local news, weather and community-oriented programming. For these employees, the advent of supposedly national services offering "localized" news and weather is also a threat to their very employment.

As a company we are committed to providing predominantly live, local radio and are willing to invest in our stations and communities in order to provide such service. However, if XM and Sirius are allowed to enter our markets on a local level, they will significantly affect our very ability to provide the wide gamut of local service that we now offer.

In granting licenses for satellite radio, the FCC relied on the express promises made by XM and Sirius that their services would be national-only. They would also provide multiple foreign language programming, senior citizens and children's programming. Because satellite radio would be national, local broadcasters would not be harmed.

Now XM and Sirius have broken this promise of national-only programming. Without FCC intervention, XM and Sirius will be able to reach into every market with "localized" service. They will be able to affect local broadcasters economically which will, in turn, affect our ability to provide the truly local service that benefits our communities. Satellite does not have ownership limits or public interest limits. They

have no local investment in their communities. We have made that investment willingly and we prove it every day. In addition, local radio is the only daily local news and weather service available in our communities. XM and Sirius will never be able to offer the full range of services that local terrestrial radio provides. Our stations are there and our employees are there serving every day. If XM and Sirius are allowed to threaten our business, it will also threatens our ability to offer the wide breadth of community oriented programming that goes well beyond news and weather.

Below are only a few examples of how Legend Communications of Ohio serves our local communities.

In 2003 community service continued to be a focus for our stations. We aired over 8,500 PSA's supporting local organizations and sponsored several community events. Our first big event of the year was an ice storm that crippled most of our listening area. Our stations were able to stay on the air with our generator systems, which then enabled us to keep thousands of stranded listeners updated on the state of emergency protocol that was in effect. Our staff teamed up with the local sheriff department, FEMA, fire and rescue, state patrol and emergency personnel. Five members of our staff actually lived at our station day and night for a week delivering hourly updates on road closures, power outages, boil water advisories, emergency shelters, and available emergency assistance. There were hundreds of local volunteers who helped to clear downed trees, clear road ways and deliver food and medicine to those trapped by the storm. Legend Communications of Ohio was able to coordinated food and supplies for those working during the storm.

Our stations dedicated over 120 hours of airtime to the disaster. We were able to coordinated donations for three shelters in the area, which included bottled water, food and supplies. We arranged free food for those power and phone company workers who were stationed at different substations around our area that didn't have access to a hot meal in subfreezing conditions. Our listeners even got in on the act. After the main roads were opened, our listeners started calling the station and volunteering their four-wheel drive trucks to deliver food and medicine to shut-ins. During the February ice storm of 2003, we became a lifeline in our area and made a very bad situation better- The whole idea behind community service.

In 2003, we also addressed several key issues in our area. Diabetes affects one in three people in our area. We teamed up with the American Diabetes association to create the first ever Diabetes walk in our area. Our stations aired a \$2,100 ad campaign promoting the walk. We also did three two-hour live broadcasts totaling \$1,800 at different businesses that signed on as sponsors of the walk. The day of the walk, WRYV-FM was live on location. Our walk was able to raise \$5,870 for Diabetes research, the most ever for a first-time walk in the tri-state. Ten staff members also helped to raise \$2,800 with the second annual Walk for Autism and three staff members worked to raise \$800 for the Gallia County Animal Welfare League.

Throughout 2003 our stations sponsored a series of free monthly health clinics. These free clinics provided free immunizations, blood pressure checks, and glucose and cholesterol screenings. We also sponsored a teen health fair and a series of special heart health classes. We also featured 50 hours of on-air campaigns against teen pregnancy, drinking and driving and smoking.

Our staff were also volunteers at various fund raising activities. They ranged from formal dinners, to membership drives, to holiday ornament sales. Our stations have become the official media sponsor for the Hospice program. Our local chapter of Hospice is a non-profit organization that depends greatly on donations of money and time. WRYV-FM airs monthly updates on hospice. In 2003, WRYV-FM teamed up with the American Red Cross to promote thirty-seven blood drives, which included seven, one-hour remotes. The stations also sponsored the incentives for the donors in the form of free lunches, t-shirts and gift certificates from various local businesses.

WRYV-FM invited students from 5 high schools in our listening area to record PSA's for the prom and graduation season encouraging students not to drink and drive. We also featured a state program called "parents who host lose the most".

WRYV-FM initiated the Kinderprint program in mid-summer. Our station did nine live simultaneous broadcasts as various locations in a tri-state area. Our staff members took pictures, fingerprinted and created a file for the parents of over 325 children. Eleven of our sales and on-air staff worked for over four hours on air during Kinderprint.

Seven members of our staff formed a team and joined the American Heart association for three "Heart Walks" throughout our listening area with live broadcasts and promotions. As the holiday season approached, WRYV-FM was able to collect over 2,500 cans of food for our local food banks and 1,800 new unwrapped toys for the children of the tri-state area for Christmas. These two drives totaled 52 hours of live airtime and \$3,800 in commercial promotion. A team of five air staff and nine sales people put in over 150 hours, collecting items and delivering them not only to the food banks, but also to our local schools for delivery for Christmas.

Throughout the year we feature ten newscasts daily, live community updates hourly, in-studio interviews weekly, and on location remotes that focus on the community around us. Our stations air local high school football games weekly, and are active supporters of our school's booster organization. Members of our staff volunteer their time to read at our elementary schools, waitress fun-raising dinners and even get "locked up" for MDA. We strive to make a difference in our community, and we look forward to what we as a station can do for our community in 2004.

The FCC, in authorizing satellite radio, vowed to protect "vibrant" local broadcasting like ours and promised to take "any necessary action to safeguard the important service that terrestrial radio provides." The time for that action is now.

We support the NAB Petition on MB Docket No. 04-160. Thank you for your consideration.

Sincerely,

Susan K. Patrick
Executive Vice President
Legend Communications of Ohio LLC